

**MINUTES FROM THE
CITY OF IONIA
CITY COUNCIL
REGULAR MEETING
Tuesday, May 1, 2007
7:00 PM, CITY HALL COUNCIL CHAMBERS**

- I.** Mayor Balice called the meeting to order and led with the Pledge of Allegiance.
- II. ROLL CALL – Present::** Mayor Dan Balice, Councilmembers Gordon Kelley, Monica Miller, Jim Smith, Brenda Cowling-Cronk and Bob O'Mara. Bruce Roetman arrived at 7:05 p.m. and Kim Patrick arrived at 7:20 p.m. Excused: Jeff Winters.

Also Present: Jason Eppler, Larry Harvey, Matt Painter, Robin Marhofer, Dave Bulling, Lynn Lafler, and Sara Jezewski.

- III. OPEN PUBLIC HEARING:**
Amendment to City Code – Ordinance No. 450 – Zoning/Neighborhood Stores

IV. PUBLIC COMMENTS

- V. MONITORING INFORMATION** Motion by Miller and Supported by Smith

1. Approve the minutes from the Regular City Council Meeting of April 10, 2007.
2. Approve the minutes from the Special City Council Meeting of April 23, 2007.
3. Acknowledge the minutes from the Planning Commission meeting of April 11, 2007.
4. Acknowledge the minutes from the DDA meeting of April 18, 2007.
5. Approve the payroll for the pay period ending March 28, 2007 of \$106,995.56 and the pay period ending April 11, 2007 of \$111,749.02.
6. Acknowledge the Accounts Payable for the Ionia Theatre for April 2007 in the amount of \$11,839.19.
7. Acknowledge the Accounts Payable for the DDA for April 2007 in the amount of \$527,048.98.
8. Approve the Accounts Payable for the City of Ionia for April 2007 in the amount of \$382,548.64.

ROLL CALL VOTE: Ayes: Smith, Kelley, Miller, Balice, Roetman, Cowling-Cronk, O'Mara. Nays: None. Motion Carried.

- VI. CLOSE PUBLIC HEARING:**
Amendment to City Code – Ordinance No. 450 – Zoning/Neighborhood Stores

VII. BUSINESS ITEMS

1. Ordinance No. 450 – Zoning/Neighborhood Stores

Motion by Kelley and Supported by O'Mara to remove from the table the matter of Ordinance No. 450 and permit the record of the May 1, 2007 meeting to reflect the second reading and adoption of Ordinance No. 450 pertaining to neighborhood stores in the R-1 zoning district with the ordinance to become effective seven days after publication in the *Sentinel-Standard*.

**CITY OF IONIA
Ordinance No. 450**

AN ORDINANCE TO AMEND SECTION 1248.03 OF THE CODIFIED ORDINANCES OF THE CITY OF IONIA IN ORDER TO PERMIT NEIGHBORHOOD SERVICE STORES IN THE R-1 ONE – FAMILY RESIDENTIAL ZONING DISTRICT BY SPECIAL LAND USE PERMIT SUBJECT TO CONDITIONS

THE CITY OF IONIA ORDAINS:

Section 1248.03 SPECIAL LAND USES is amended by adding a new subsection j titled Neighborhood Service Stores the R-1 One-Family Zoning District:

1248.03 SPECIAL LAND USES.

- (j) Neighborhood Service Store, provided it meets the following requirements:
- (1) For the purposes of this Subsection, a Neighborhood Store is a retail business which supplies commodities on premises, such as, but not limited to, groceries, dairy products, magazines or

newspapers and other household “basics” primarily to the residents of the neighborhoods in proximity to the business. Sometimes referred to as a “convenience store”.

- (2) The use is only permitted in the R-1 One-Family Residential District.
- (3) The use is only permitted on a corner lot with a minimum of 9,750 square feet and with both streets that the use fronts on being major streets as defined by the City's 2006 Act 51 Street System Map. The street and street sections that are designated as “Major” are as follows:

Adams Street between West Main and Jackson Streets
Cleveland Street between Main Street and Cleveland St Bridge
Cyrus Street
Depot Street
Hackett Street between Harter and State Streets
Harter Street between Hackett and High Streets
High Street between M-66 and Harter Street
Hudson Street between Main and Adams Streets
Jackson Street between M-21 and Webb Street
Jefferson Street between Main and Fargo Streets
Kidd Street
Library Street
Main Street
Mill Street between Main and Webber Streets
Morse Street between Washington and Allen Streets
Rice Street
Summit Street between Union and Rich Streets
State Street between M-21 and Hackett Street
Steele Street
Union Street between M-21 and Washington Street
Washington Street between M-66 and Morse Street
Yeomans Street

The layout of the site shall comply with the clearance requirements specified in Section 1286.06.

- (4) Setbacks:
 - (i) Existing Structure: When an existing structure is converted to this use the setbacks of the existing structure are acceptable to permit the structure to be converted to this use with the structure not needing to comply with the setbacks contained in this Section for a new structure.
 - (ii) New Structure: When a new structure is constructed to accommodate this use, the front yard setback shall be a minimum of 15', the side yard a minimum of 6' and the rear yard a minimum of 15'. For the purposes of this section, a corner lot contains two front yards (portions of the lot abutting the streets) one side yard and one rear yard.
- (5) The use must be located on the first floor of the structure, must be a minimum of 1,000 square feet and a maximum of 2,000 square feet of usable floor space and may only be combined with a residential use.
- (6) The use shall not utilize a drive-thru window or any method of drive-thru service.
- (7) All retail activity must be conducted within the structure and vending machines/ice machines are not permitted outside the structure.
- (8) Hours of operation shall be limited to the following:
 - (i) Monday, Tuesday, Wednesday, Thursday – 5:30 am to 10:00 pm;
 - (ii) Friday and Saturday – 5:30 am to 11:00 pm;
 - (iii) Sunday – 5:30 am to 9:00 pm.
- (9) The use shall not be within 1,000 feet of another like or similar use.
- (10) Off-street parking for shall be provided with a minimum of one off-street parking space per 250 square feet of usable floor area and a maximum of one off-street parking space per 150 square feet of usable floor area. Parking shall not be permitted in the rear yard of the site. If the neighborhood store use is combined with a residential use, the residential parking requirements are independent and in addition to the requirements for parking for the neighborhood store use.
- (10) The exterior of the structure that the use is located must have a residential appearance and be maintained in such manner. This includes siding, roof pitch, and window styles typically used in the construction of a residence.
- (11) The site shall be landscaped as specified in Section 1286.03.
- (12) Accessory structures shall not be permitted on the site.
- (13) The use shall be advertised only by a sign affixed to the building which may not exceed 32 square feet in size. The sign shall not be interior illuminated, flashing, moving, animated or intermittent.
- (14) Exterior lighting shall be as specified in Section 1286.04.

ROLL CALL VOTE: Ayes: Kelley, Miller, Balice, Cowling-Cronk, O'Mara, Smith. Abstain: Roetman. Nays: None. Motion Carried.

2. Creating Entrepreneurial Communities

Diane Smith and Sara Jeweski provided the Council Members with an overview of the Entrepreneurial Communities program and their efforts to date.

3. Repairs to City Hall Porch

Motion by Roetman and Supported by Patrick to accept the bid submitted by Overbeck Construction, Lowell, Michigan dated April 17, 2007 for \$6,950 completing improvements to the porch at City Hall per the bid specifications prepared by the City and authorize the City Manager to sign the necessary contract documents.

ROLL CALL VOTE: Ayes: Miller, Balice, Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Kelley. Nays: None. Motion Carried.

4. 2007 Local Street Improvements – Engineering Services Proposal

Motion by Patrick and Supported by Miller to accept the proposal submitted by C2ae (Capital Consultants), Lansing, Michigan dated April 23, 2007 for \$19,885 for completing design and inspection services for the 2007 Local Street Improvement Project and authorize the City Manager to sign the necessary contract documents.

ROLL CALL VOTE: Ayes: Balice, Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Kelley, Miller. Nays: None. Motion Carried.

5. Independence Day Fireworks Permit (July 1st)

Motion by Roetman and Supported by Smith to grant a fireworks display permit to the City of Ionia Downtown Development Authority for a July 1, 2007 fireworks display and authorize the City Manager to sign the permit.

ROLL CALL VOTE: All in favor via voice vote.

6. Set Public Hearing – Fiscal Year 2007-2008 Budget

Motion by Miller and Supported by Balice to schedule a Public Hearing for 7:00 PM, Tuesday, June 5, 2007 for the purpose of receiving public comments on the proposed Fiscal Year 2007-2008 City Budget, Capital Improvement Plan and the proposed millage rate to support the budget.

ROLL CALL VOTE: Ayes: Patrick, Roetman, Cowling-Cronk, O'Mara, Smith, Kelley, Miller, Balice. Nays: None. Motion Carried.

7. Ordinance No. 451 – Utility Rates

Motion by Balice and Supported by Kelley to permit the record of the May 1, 2007 meeting to reflect the introduction and first reading of Ordinance No. 451, an ordinance to revise water and sewer utility charges, and schedule a Public Hearing on the amendment for 7:00 PM, Tuesday, June 5, 2007 in the Council Chambers of City Hall.

ROLL CALL VOTE: Ayes: Roetman, Cowling-Cronk, O'Mara, Smith, Kelley, Miller, Balice, Patrick. Nays: None. Motion Carried.

8. Uniform Video Service Local Franchise Agreement Resolution

Motion by Balice and Supported by Smith to approve a prepared Resolution regarding Public Act 480 of 2006, the Uniform Video Services Local Franchise Act, which delegates to the City Manager and special counsel full authority to respond to, complete and approve Uniform Franchise applications and take all actions related thereto.

RESOLUTION

WHEREAS, Public Act 480 of 2006 (the “Act”) requires video service providers to obtain a franchise from a municipality by means of a Uniform Video Service Local Franchise Agreement (Uniform Franchise”); and

WHEREAS, the Michigan Public Service commission (“MPSC”) on January 30, 2007 issued an Order that provided a Uniform Franchise form; and

WHEREAS, the Act provides City of Ionia (the “Municipality”) fifteen (15) business days from the date an application for a Uniform Franchise is filed with the Municipality to respond as the completeness of the Uniform Franchise; and

WHEREAS, the Act provides the Municipality thirty (30) days from the submission date of a complete application for a Uniform Franchise in which to act to approve the Uniform Franchise; and

WHEREAS, the Municipality wishes to memorialize that there were two (2) public, educational and governmental access channels in actual use on an incumbent video provider’s system in the Municipality on the effective date of the Act, January 1, 2007; and

WHEREAS, the Municipality has determined that it must designate an official to whom it delegates the authority to respond to, complete, sign and approve Uniform Franchise applications in order to meet the deadlines under the Act, including establishing the video service provider franchise fees and fees to support public, educational and governmental access facilities and service provided for in Uniform Franchises, and taking all actions related thereto; and

WHEREAS, the Municipality desires to provide such official with guidance on such fees; and

WHEREAS, the Municipality does not intend that by approving a Uniform Franchise that it shall be waiving rights, nor does it understand that the Act or the MPSC Order so requires.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City of Ionia designates and delegates to the City Manager and special counsel full authority to respond to, complete and approve Uniform Franchise applications, and take all actions related thereto; and

BE IT FURTHER RESOLVED that the foregoing authority includes the authority to determine within the statutory deadlines whether the Uniform Franchise as submitted is complete, and having the authority to sign it indicating approval of the Municipality; and

BE IT FURTHER RESOLVED that a fee of 5% of gross revenues from video service providers is hereby established as the annual video service provider franchise fee, which is also the fee paid to the Municipality of CC Michigan, LLC d/b/a Charter Communications, the incumbent video provider with the largest number of subscribers in the Municipality, under its existing cable franchise with Municipality, with the City Manager having the authority to modify such fee, if appropriate; and

BE IT FURTHER RESOLVED that it is hereby memorialized that there were two (2) public, educational and governmental access channels in actual use on an incumbent video provider’s system in the Municipality on the effective date of the Act, January 1, 2007; and

BE IT FINALLY RESOLVED that no approvals, deemed approvals under the Act or signature of the City Manager on a Uniform Franchise shall be construed or understood to be a waiver by the Municipality of its police powers; rights it may possess under the Act, Michigan law, the Michigan Constitution, or federal law; or right to challenge or modify a Uniform Franchise if the Act in whole or in part is amended by the legislature or overturned by the courts.

ROLL CALL VOTE: Ayes: Cowling-Cronk, O’Mara, Smith, Kelley, Miller, Balice, Patrick, Roetman. Nays: None. Motion Carried.

VIII. INCIDENTAL INFORMATION

Councilmembers to approve accounts payables for May 10, 2007 are Kelley and/or Winters and for May 24, 2007 are Miller and/or O’Mara

IX. INFORMATION OR ACTION ON LEGAL MATTERS – There was nothing to report.

X. INFORMATION FROM MAYOR AND CITY COUNCIL

Mayor Balice stated he appreciated hearing from the Riverside Correctional Facility regarding the closing prior to the newspaper article. Mayor Balice does not believe this should be a huge impact on the City. Mayor Balice also inform Council that Chuck VanLoan resigned from the DDA Board. Mayor Balice thanked Mr. VanLoan for his service to DDA Board. Due to the number of members, it does not appear that it is necessary to replace Mr. VanLoan.

Cowling-Cronk thanked Matt Painter, Dave Cook, and Nikki Hurlbut for their assistance with her daughter’s wedding.

Patrick reminded attendees to vote on May 8, 2007 and encouraged their support for the library millage and bond. Patrick also questioned Mr. Eppler about Senate Bill 69, neighborhood re-development which Mr. Eppler stated he will check into this Bill. Patrick also thanked Mr. Eppler for his prompt attention to the Barber Shop's interest in improving their building.

Eppler: Informed Council that the Clothing Care building is in the process of being removed and the City is waiting for Miss Dig before continuing the renovations to the 5/3 Bank corner lot. Mr. VanLoan has donated some mature blue spruce trees that will line one side of the lot.

Miller: Also encouraged attendees to vote on May 8, 2007 and to support the library millage and bond.

Smith: Applauds the efforts of the DDA and hopes some money will be disbursed to businesses to help them renovate the back of their buildings to compliment the renovations to the Theatre.

XI. ADJOURN

Motion by Miller and Supported by Kelley to adjourn the meeting at 8:16 p.m. All in favor via voice vote.

Submitted by:

Karen M. Confer
City Clerk